

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Thomas E. Barta, et al.  
Serial No: 09/311,837  
Filed: May 14, 1999  
Title: Aromatic Sulfone Hydroxamic Acid Metalloprotease Inhibitor  
Art Unit: 1625  
Examiner: Celia C. Chang  
Attorney Ref: 3124/4/US  
HDP Ref: 6794-000021/US

September 30, 2003

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam/Sir:

To comply with 37 CFR §1.97 and §1.98, Applicants submit the enclosed supplemental Form HDP-1449 and copies of all documents listed on the Form HDP-1449.

In accordance with MPEP §609 and §707.05(b), Applicants request that each listed document be given thorough consideration, and that the Examiner cite each document of record in the prosecution history of the above-referenced application by initialing the Form HDP-1449 next to each document. Applicants request such initialing even if the Examiner does not consider: (1) a document to be sufficiently pertinent to use in a rejection; (2) a document to be prior art for any reason; or (3) that the guidelines for citation have been fully complied with respecting a particular document. Applicants make this request so that each document becomes cited on the face of a patent issuing from the above-referenced application.

Applicants submit this Information Disclosure Statement in compliance with the duty to disclose information material to patentability under 37 CFR §1.5, but by listing such documents Applicants are not admitting that such documents are necessarily relevant or prior art. Applicants intend no representation that the listed documents represent the results of a complete search. Applicants anticipate that the Examiner, in the normal course of examination, will make an independent search consistent with 37 CFR §1.104(a) and §1.106(b), and, in the course of such search, will review for relevance every document listed on the attached form even if not

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initialed.

Applicants make no representation as to the accuracy of any translation provided with this Information Disclosure Statement.

Applicants presume that the Examiner is aware of the issues raised in the parent applications (*i.e.*, U.S. Appl. Nos. 09/186,410; 09/191,129; and 09/256,258), and presume that the Examiner will take those issues into account when examining the instant application. For the Examiner's convenience, Applicants have enclosed Office actions from those cases that are directed to the patentability of the claims in those cases (these enclosures do not include Office communications unrelated to patentability, such as notices of missing parts, Office communications directed solely to a restriction requirement, etc.). If the Examiner needs additional information, Applicants request that the Examiner notify the Undersigned.

Applicants also presume that the Examiner has access to the file histories for U.S. Pat. Appl. No. 09/570,731 (which claims priority as a CIP to the instant application) and allowed U.S. Pat. Appl. No. 09/989,943 (which claims priority as a CIP to U.S. Pat. Appl. No. 09/570,731), and will take into account any issues raised in those file histories. Applicants further presume that the Examiner has access to the file history for U.S. Pat. No. 6,451,489 (which shares a common priority claim with the instant application to U.S. Prov. Appl. No. 60/066,007) and U.S. Pat. Appl. No. 10/337,942 (which claims priority as a divisional to U.S. Pat. No. 6,451,489), and will take into account any issues raised in their file histories. For the Examiner's convenience, Applicants have enclosed Office actions from those cases that are directed to the patentability of the claims in those cases. If the Examiner needs additional information, Applicants request that the Examiner notify the Undersigned.

Finally, the attached Form HDP-1449 cites U.S. patent references that are not related to the instant application through a priority claim. Applicants presume that the Examiner has access to the file histories of those references (as well as the file histories of the applications to which the cited references claim priority), and will review those file histories to the extent the Examiner feels they may be material to the patentability of the instant application. For the Examiner's convenience, Applicants have enclosed Office actions directed to the patentability of allowed U.S. Pat. Appl. No. 10/142,737. Upon the Examiner's request, Applicants can provide

Supplemental Information Disclosure Statement  
September 30, 2003  
Appl. No. 09/311,837

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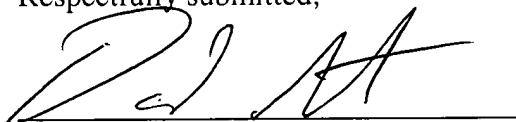
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copies of the Office actions from the other cited references, to the extent Applicants have such Office actions in their possession.

\* \* \* \* \*

Applicants request early and favorable consideration. Applicants are submitting this Information Disclosure Statement pursuant to 37 CFR § 1.97(c) without certification under 37 CFR § 1.97(e). Thus Applicants have enclosed a check to cover the fee under 37 CFR § 1.17(p). Applicants do not believe that they do not owe any additional fee in connection with this Information Disclosure Statement. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. § 1.16 or § 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

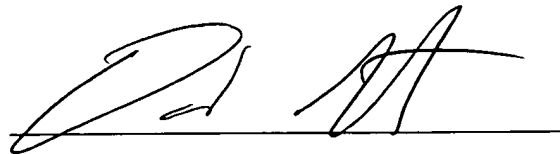
Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **September 30, 2003** with sufficient postage as first class mail (including Express Mail per MPEP § 512), and addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



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INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)

Sheet 1 of 3

ATTORNEY DOCKET NO.

3124/4/US

SERIAL NO.

09/8

APPLICANTS

Barta, et al.

FILING DATE

May 14, 1999

GROUP

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U.S. PATENT DOCUMENTS

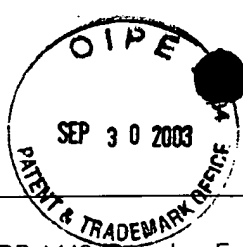
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		Pending independent claims from US Appl. No. 10/657,034		Becker, et al.		9/5/03
2.		Pending independent claims from US Appl. No. 10/337,942		Barta, et al.		1/7/03
3.		Pending independent claims from US Appl. No. 10/291,983		Freskos, et al.		11/12/02
4.		Allowed independent claims, 4/11/03 Office action, and 5/28/03 notice of allowance from US Appl. No. 10/142,737		Barta, et al.		5/10/02
5.		Allowed independent claims, 1/22/03 Office action, 6/16/03 Office action, and 8/13/03 notice of allowance from US Appl. No. 09/989,943 (US Publ. No. 20030073718)	4/17/03	Barta, et al.		11/21/01
6.		Allowed independent claims, 11/18/02 Office action, and 5/9/03 notice of allowance from US Appl. No. 09/954,451 (US Publ. No. 20020177588)	11/28/02	Barta, et al.		9/17/01
7.		Pending independent claims, 5/31/01 Office action, 10/5/01 Office action, 4/11/03 Office action, and 9/11/03 advisory action from US Appl. No. 09/570,731		Barta, et al.		5/12/00
8.		6/1/00 Office action and 3/29/01 Office action from abandoned US Appl. No. 09/256,948 (US Publ. No. 20010039287)	11/8/01	Barta, et al.		2/24/99

EV 298496715 US

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)

Sheet 2 of 3

ATTORNEY DOCKET NO.

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SERIAL NO.

09/311,837

APPLICANT

Barta et al.

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#### U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
9.		12/29/99 Office action, 8/7/00 Office action, 2/16/01 Office action, 11/26/01 Office action, and 6/25/02 Office action from abandoned US Appl. No. 09/191,129 (US Publ. No. 20010014688)	8/16/01	Barta, et al.		11/13/98
10.		11/19/99 Office action from abandoned US Appl. No. 09/186,410		Barta, et al.		11/13/98
11.		6,541,489 (including 12/17/01 Office action, 5/16/02 notice of allowance, and 11/8/02 notice of allowance in the corresponding US Appl. No. 09/554,082)	4/1/03	Barta, et al.	514/330	
12.		6,268,379	7/31/01	Xue, et al.	514/307	

#### FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
13.		Partial translation of JP 4- 338331 (submitted with 8/23/01 IDS)	1992	Japan	A61K 31/365		
14.		WO 00/59874	10/12/00	PCT	CO7C 259/06		
15.		WO 00/46221	8/10/00	PCT	CO7D 405/12		
16.		WO 95/13289	5/18/95	PCT	C07K 5/062		

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FORM HDP-1449 (Based on Form PTO-1449)  PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)  Sheet 3 of 3	ATTORNEY DOCKET NO.	SEEKING NO.
	3124/4/US	09/311,897
	APPLICANT	TECH CENTER 1600/200C
	Barta et al.	
	FILING DATE	GROUP
May 14, 1999	1625	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
17.		Brown, "Synthetic Inhibitors of Matrix Metalloproteinases," <i>Matrix Metalloproteinases</i> , pp. 243-261 (Academic Press, Eds Park, W.C., & Mecham, R.P., 1998)

Examiner:	Date Considered:
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